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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 HUGO LUA,) Case No. CV 12-4448 DOC (JCG)
11)
12 Petitioner,)
13 v.) **ORDER ACCEPTING REPORT AND**
14 UNKNOWN,) **RECOMMENDATION OF UNITED**
15 Respondent.) **STATES MAGISTRATE JUDGE AND**
16) **DENYING CERTIFICATE OF**
) **APPEALABILITY**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
18 Magistrate Judge's Report and Recommendation, and the remaining record. No
19 objections to the Report and Recommendation have been filed.

20 Accordingly, IT IS ORDERED THAT:

- 21 1. The Report and Recommendation is approved and accepted;
22 2. Judgment be entered denying the Petition and dismissing this action
23 for lack of jurisdiction; and
24 3. The Clerk serve copies of this Order on the parties.

25 Additionally, for the reasons stated in the Report and Recommendation, the
26 Court finds that Petitioner has not shown that "jurists of reason would find it
27 debatable whether": (1) "the petition states a valid claim of the denial of a
28 constitutional right"; and (2) "the district court was correct in its procedural

1 ruling.” *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Thus, the Court
2 declines to issue a certificate of appealability.

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5 DATED: September 21, 2012

David O. Carter

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7 HON. DAVID O. CARTER
8 UNITED STATES DISTRICT JUDGE
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